

Appl. No. 09/980,196

REMARKS

Claims 11-20 are now present in this application.

The specification has been amended, claims 1-10 have been cancelled without prejudice or disclaimer, and claims 11-20 have been presented. Reconsideration of the application, as amended, is respectfully requested.

The disclosure stands objected to for a misspelling on page 5. Because this misspelling has been addressed, it is respectfully requested that this objection now be reconsidered and withdrawn.

The drawings stand objected to under 37 CFR 1.83(a). Attached hereto is a proposed new Fig. 2. In a general block-type diagram, this Fig. 2 merely provides a telescopic extension for the plunger 6. Support for this disclosure can be found from originally filed claim 4, for example. This new figure should not contain new matter and it is respectfully requested that it be approved by the Examiner. In addition, it is noted that the claims recite "a body." This body is shown in the drawings. For example, body 1 is indicated in Fig. 1.

It is respectfully submitted that the claimed subject matter is shown. The requirements of 37 CFR 1.83(a) should be met. Accordingly, withdrawal of the objection to the drawings and approval of the new Fig. 2 are respectfully requested.

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Claims 1-10 stand rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that the claims should particularly point out and distinctly claim the subject matter of the instant invention. Reconsideration and withdrawal of the 35 USC 112, second paragraph rejection are respectfully requested.

Claims 8-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S. Patent 5,482,361 in view of MAGNUSSEN, Jr. et al., U.S. Patent 5,364,596. This rejection is respectfully traversed.

Without conceding the appropriateness of the double patenting rejection, and simply to expedite prosecution of this application, the apparatus claims 8-10 have been cancelled and have not been represented in this application. As such, it is respectfully submitted that the double patenting rejection should be reconsidered and withdrawn.

Applicants gratefully acknowledge that the Examiner considers claims 1-7 to contain allowable subject matter if the 35 USC 112, second paragraph rejection were overcome. Because this should now be done, it is respectfully submitted that the instant application

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is now in condition for allowance. Reconsideration and withdrawal of all objections are respectfully requested.

In the Statement of Reasons for Allowance, it is noted that the Examiner has recited a semi-permeable barrier means. However, such a limitation was not found in the original independent claims. Moreover, the original independent claims merely recited the removal of the barrier means by the movement of the plunger. The tip is recited as being removable in the dependent claims. Nonetheless, the claims have been amended and, as such, the Examiner's Statement of Reasons for allowance may not accurately reflect the current claims. Nonetheless, independent claim 11 includes the limitations from claim 1 and independent claim 16 includes the limitations from claim 4. It is respectfully submitted that these independent claim as well as their dependent claims should all now be in condition for allowance.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

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In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application and the required fee of \$420.00 is authorized to be charged to deposit account 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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By

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